

DEPARTMENT OF PUBLIC WORKS

BUREAU OF SANITATION
BOARD REPORT NO. 1
APRIL 21, 2010

CD: 14

AUTHORITY TO EXECUTE AMENDMENT NO. 1 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LOS ANGELES AND NORTH EAST TREES, INC. FOR THE GARVANZA PARK BEST MANAGEMENT PRACTICES PROJECT (W.O. SZW00071)

RECOMMENDATIONS

1. Approve and forward this report forthwith, with its transmittals, to the Mayor and the City Council, with the recommendation that the City Council, subject to concurrence of the Mayor, authorize the President or two members of the Board of Public Works (Board) to execute Amendment No. 1 to the Memorandum of Understanding (MOU) between the City of Los Angeles and North East Trees, Inc. (NET) for the Garvanza Park Best Management Practices (BMP) Project (Project). The purpose of this amendment is to add \$1,879,000 in funding from the Supplemental Environmental Projects (SEP) under the Collection Sewer Settlement Agreement (CSSA) and expand the scope of work of the Project.
2. Notify Mr. Steven Nikaido (213-485-0578) of the Bureau of Sanitation, Watershed Protection Division (WPD) when Amendment No. 1 to the MOU is ready to be executed by the Board, whereupon five original documents will be delivered to the Secretary of the Board for execution.
3. Upon execution, request the City Clerk to attest and certify the five original copies of Amendment No. 1 to the MOU. The City Clerk and the Board each are to retain one original copy, and return the remaining copy to WPD.

FISCAL IMPACT STATEMENT

There is no impact to the City's General Fund. The MOU is being amended to increase the project's funding from \$1,333,333 to \$3,212,333. The City will provide the additional \$1,879,000 as SEP (SCMF) funds to implement the Project.

TRANSMITTALS

1. Copy of Amendment No. 1 to the MOU between the City of Los Angeles and NET for the Garvanza Park BMP Project.
2. Copy of the MOU between the City of Los Angeles and NET, attested June 29, 2009, for the Garvanza Park BMP Project.

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3. Copy of the Board Report, dated January 23, 2009, authorizing the Bureau of Sanitation to execute an MOU with North East Trees, Inc. for the Garvanza Park BMP Project.
4. Copy of United States Environmental Protection Agency letter, dated February 22, 2010, approving the work plan for the Garvanza Park BMP Project.

DISCUSSION

Garvanza Park is located northeast of downtown Los Angeles at the southwest corner of the intersection of Meridian St. and Avenue 63 in a community known as Highland Park. The Project was identified and developed as part of the Arroyo Seco Watershed Management Plan. The goals of the project are to enhance the water quality of the Los Angeles River and support the implementation of the Integrated Resources Plan (IRP). The Project involves routing runoff from a storm drain that passes directly underneath Garvanza Park and treating and infiltrating the runoff through a series of BMPs.

NET, a non-profit environmental organization, developed the concept and also applied for and secured State grant funding of \$1 million for the Project, with the City to provide \$333,333 in technical and administrative support services as its matching contribution.

The purpose of this amendment is to add \$1,879,000 in SEP (SCMF) funding from the CSSA and expand the scope of work of the Project. The SEP funds will be used to increase the capacity of and construct the BMPs, including the pretreatment devices (hydrodynamic separator and sedimentation basin), retention basin, and infiltration basin. In August 2009, a modification to the CSSA was entered into by the State of California Regional Water Quality Control Board (RWQCB), Santa Monica Baykeeper, and the City of Los Angeles. The modification replaced two SEP projects, the Hazard Creek and Wetlands Restoration Project and the Inner Cabrillo Beach Pollution Control and Water Circulation Enhancement Project, with this Garvanza Park BMP Project. On February 22, 2010, the United States Environmental Protection Agency (USEPA) and the RWQCB approved the work plan for the Project. The addition of the SEP funds will bring the total funding of the Project to \$3,212,333.

Construction is expected to be completed by NET by the end of 2010 in order to meet the State grant's schedule of deliverables, and to meet the deadlines of the CSSA. After construction is completed, the park area above the devices will be returned to existing conditions or better.

Rather than proceed with two separate projects, the original grant and additional SEP scopes of work have been integrated into one design plan. The City will benefit from this integration because it eliminates the need to repeat/duplicate project design, management, and construction activities, thereby increasing efficiency, reducing impacts on the surrounding community, and resulting in significant savings in costs and time.

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In addition to reducing stormwater runoff volumes, the Project will assist the City in complying with Total Maximum Daily Loads (TMDLs) standards for the Los Angeles River. The Department of Public Works is requesting authority to execute Amendment No. 1 to the MOU with NET for the Garvanza Park Best Management Practices Project.

PROJECT SCHEDULE

The key phases of the Project and the corresponding dates of completion are:

1. Design – March 2010
2. Construction – December 2010
3. Monitoring – January 2011
4. Reporting – February 2011

MBE/WBE/OBE Subcontractor Outreach Program

NET is currently conducting Good Faith Effort in accordance with City guidelines. The anticipated participation level is 5% MBE and 2% WBE. The mandatory subcontracting minimum is 9%. The City has strongly encouraged NET to use MBE/WBE/OBE subconsultants in the event that subcontracting opportunities present themselves.

COMPLIANCE WITH CHARTER SECTION 1022

On March 5, 2010, the City Administrative Officer (CAO) determined this work can be contracted to NET because there is insufficient City staff available to perform the proposed work and additional City staff cannot be employed and trained in a timely manner to perform the work. In addition, CAO determined it is more feasible to contract the SEP portion of the work with NET to meet project deadlines. The grant agreement between the City and the State Water Resources Control Board (SWRCB) requires all work be completed by March 2011. The SEP work plan approved by the USEPA and the RWQCB follows the same timeline, and construction is expected to be completed by December 2010.

PROJECT ADMINISTRATION

The Watershed Protection Division (WPD) of the Bureau of Sanitation is administering the MOU and will administer Amendment No. 1 to the MOU.

APPROVAL AS TO FORM

The MOU has been reviewed by Mr. Keith Pritsker, Assistant City Attorney of the City Attorney's Office, and has been approved as to form.

PROGRAM REVIEW COMMITTEE (PRC) APPROVAL

The PRC approved \$1,884,000 in wastewater funding for this project on November 10, 2009. This amount includes consultant design, construction, and contingency.

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STATUS OF FINANCING

Funding for Amendment No. 1 in the amount of \$1,879,000 is available as shown in the table below. Funds may be drawn from the Sewer Capital Fund No. 761, the WW Syst Comm Paper B Const Fund No. 70X, or any other funds established as a result of commercial paper or bond sales, at the discretion of the Director of Sanitation or appointed designee.

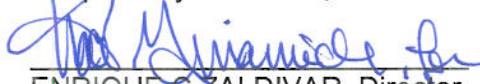
The contract contains a "Financial Liability Clause" that states that "the City's liability under this contract shall only be to the extent of the present City appropriation to fund the contract. However, if the City shall appropriate funds for any succeeding years, the City's liability shall be extended to the extent of such appropriation, subject to the terms and conditions of the contract."

The following funding has been verified and approved by the Director of the Office of Accounting, subject to conditions described above:

Work	Account	Amount
Design	FGA1 WW Planning & Design Services	\$250,000
Construction	FGC1 Garvanza Park BMP SEP	\$400,000
Construction	FY 2010-11 Wastewater CIP budget	\$1,229,000
	Total	\$1,879,000

The Wastewater Program Capital Expenditures will fund \$1,879,000 for this project in accordance with Appendix C of the CSSA to replace the Hazard Creek and Wetlands Restoration Project and the Inner Cabrillo Beach Pollution Control and Water Circulation Enhancement Project.

Respectfully submitted,



ENRIQUE C. ZALDIVAR, Director
Bureau of Sanitation

APPROVED AS TO FUNDS:



CRAIG V. BLOOMQUIST, Director
Office of Accounting

Prepared by:
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